

TRACY REEVE, OSB# 891123
City Attorney
Email: tracy.reeve@portlandoregon.gov
MARK AMBERG, OSB# 922133
Chief Deputy City Attorney
Email: mark.amberg@portlandoregon.gov
DENIS M. VANNIER, OSB#044406
Deputy City Attorney
Email: denis.vannier@portlandoregon.gov
Office of City Attorney
1221 SW 4th Avenue, Suite 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089

Of Attorneys for Defendant City of Portland

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF,
v.
CITY OF PORTLAND,
DEFENDANT.

Case No. 3:12-cv-02265-SI

**CITY OF PORTLAND'S SECOND
MEMORANDUM UPDATING STATUS OF
PORTLAND COMMITTEE ON
COMMUNITY-ENGAGED POLICING IN
SUPPORT OF FINAL APPROVAL OF
SETTLEMENT AGREEMENT
AMENDMENTS**

I. INTRODUCTION

On August 24, 2017, the Portland City Council unanimously passed Ordinance 188570 approving amendments to the Settlement Agreement between the parties in this case, including amendments to Sections IX and X pertaining to community engagement and oversight. ECF 169-4. Council's action followed a lengthy process of discussions between the City, the United States Department of Justice (DOJ), the Compliance Officer/Community Liaison (Compliance Officer or COCL), the Albina Ministerial Alliance Coalition for Justice and Police Reform

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(AMAC) and the Portland Police Association (PPA), as well as several public hearings with extensive public testimony resulting in changes to the proposed amendments. The amendments to Section IX contemplated a new community engagement body, the Portland Committee on Community Engaged Policing (PCCEP), to replace the prior COAB and to be governed by a Plan appended to the amended Settlement Agreement. ECF 169-8, pp. 54-69; ECF 169-9.¹ Following Council's passage of Ordinance 188570, the amendments approved by the City Council were formally reviewed and approved by the DOJ. The parties and Enhanced Amicus AMAC then filed a Joint Stipulated Motion to Enter Amended Settlement Agreement on December 26, 2017. ECF 157.

The Court held a Fairness Hearing on the amendments on April 19, 2018.² Following that hearing, and pursuant to the parties' and Enhanced Amicus AMAC's stipulated motion, the Court entered an order granting final approval to all amendments except those pertaining to community engagement and oversight. ECF 171, p. 1. After conferring, the parties agreed that they would have no objection to deferring entry of an order granting final approval as to the amendments related to community engagement and oversight, with the only condition being that the parties report back in six months to the Court. Based on all parties' representations that they had no objection to this approach, the Court entered an order on May 15, 2018:

“. . .that the following amendments are CONDITIONALLY APPROVED, pending the Court's further evaluation at a Status Conference set for October 4, 2018, at 9:00 am, and final approval:

¹ The amendments to Section X (Agreement Implementation and Enforcement) were largely intended to memorialize the differences in the relationship between the new PCCEP and the prior COAB. The PCCEP functions separately from the Compliance Officer while the prior COAB reported to the Compliance Officer.

² It is the City's legal position that the amendments do not require, and should not be subjected to, an additional court process to determine that they are fair, adequate and reasonable. The amendments were made utilizing the process set forth in the original Settlement Agreement at paragraph 194 which was already found by the Court to be fair, adequate and reasonable. Under that process (now set forth in paragraph 184 of the amended Settlement Agreement), amendments are effective 45 days after the filing of a joint motion with the Court and do not require any further Court approval or action to become effective.

1. Changes to Sections IX and X regarding community engagement and oversight.”

ECF 171, p. 2.

Prior to the October 4, 2018 status conference, the City filed its Memorandum Updating Status of Portland Committee on Community-Engaged Policing in Support of Final Approval of Settlement Agreement Amendments (City’s First PCCEP Memo) setting forth in detail the extensive process it had undertaken to select and form the PCCEP pursuant to the terms of the (conditionally approved) amendments to Section IX of the Settlement Agreement. ECF 183. At the hearing on October 4, 2018, the parties provided additional information regarding the formation of the PCCEP and renewed their stipulated motion to amend Sections IX and X. October 4, 2018 Transcript at pp. 9, 52-53 and 120, ECF 193. Enhanced Amicus AMAC took the position that it would be preferable for the Court to defer final approval for six months: “the AMAC feels strongly that we need to see how the PCCEP is actually functioning and that if we were to wait six months and see how the PCCEP is actually operating, that the Court would be in a much better position to fully approve the plan.” Id. at p. 40. The Court accepted this position, stating: “I am hopeful that when we all get back together again there will [be] much more information that I have and have received and that that information will be sufficiently positive that I will feel comfortable that the amendments are consistent with the criteria set forth in the settlement agreement, including any amendments that have already been approved.” Id. at p. 125.

The Court set a further status conference for June 6, 2019. Id. at p. 127. The Court also indicated it would consider the City’s request that it clarify what it views as the criteria that will have to be satisfied for final approval. Id. at p. 128. That same day the Court entered a minute order deferring a ruling on the parties’ joint motion for final approval of the amended settlement agreement until the next Status Conference for the reasons stated by the Court at the hearing. ECF 192. The Court did not provide further clarification as to the criteria it was applying for final approval.

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II. THE PCCEP HAS BEEN SUCCESSFULLY OPERATING IN FULL CONFORMANCE WITH THE TERMS OF THE SETTLEMENT AGREEMENT AND THE PCCEP PLAN

As demonstrated in the City's First PCCEP Memo (ECF183) and at the October 4, 2018 status conference, the PCCEP was successfully formed and seated in accordance with paragraphs 141 and 142 of the amended Settlement Agreement and in accordance with the amended PCCEP Plan set forth at ECF 184-1 pp. 81-89.

Since October 4, 2018, the PCCEP has been functioning well and both the PCCEP and the City have been meeting their obligations under the amended Settlement Agreement and the PCCEP Plan. Although the City is not yet in full compliance with Section IX, that was not yet expected to occur given the timelines of the amendments and the PCCEP Plan.³ However, the City has been taking all steps required to support PCCEP's work on a timely basis.⁴ PCCEP is actively working to formulate its recommendations to PPB for the Community Engagement Plan. A summary description of PCCEP's activities to date follows:

³ A key obligation under the Settlement Agreement and the PCCEP Plan is for the PCCEP to contribute to the development and implementation of a PPB Community Engagement Plan. Amended Settlement Agreement paragraph 142, ECF 157-2 p. 56. PCCEP is currently actively working on this and the work is proceeding in accordance with the timelines set forth in the PCCEP Plan.

⁴ As shown below, among the City's steps have been providing PCCEP with the 2017 PPB Annual Report for review and comment, providing PCCEP an opportunity to collaborate on the DHM Survey and then conducting that survey after incorporating PCCEP feedback, and providing PCCEP with information on PPB's current community engagement efforts and strategic planning process to provide a framework for PCCEP's contribution to the development and implementation of the PPB Community Engagement Plan.

A. PCCEP ORIENTATION

As noted in the comprehensive facilitation report prepared by the Brad Taylor Group (BTG), an extensive orientation process was conducted for the PCCEP jointly by two facilitators, BTG and Training 4 Transformation (T4T). Declaration of Nicole Grant (Grant Dec) par. 3 and Ex. 1 at pp. 42-45.⁵

The PCCEP Orientation Process was extensive as reflected in the Agenda. Grant Dec Ex.

2. As the Agenda shows, PCCEP members received approximately 35 hours of orientation and training, including (non-exhaustive list):

- Session 1 (3 hours): Initial Welcome Session and activities
- Session 2 (8 hours):
 - Institutional Racism (exclusion laws, new Jim Crow)
 - DOJ presentation
 - Mental Health Perspective presentation by Jason Renauld
 - Word is Bond - Know Your Rights Video presentation
 - CRC/PCCEP engagement
- Session 3 (8 hours): Participation in PPB Community Academy
- Session 4 (4 hours): Participation in PPB Ride Along
- Session 5 (3 hours):
 - Debrief of prior sessions
 - City Attorney training
 - Community Oversight Example from Oakland
- Session 6 (scheduled 8 hours, adjusted to 6 hours):
 - Continued Discussion Community Oversight – Oakland

⁵Detailed information about the selection process for the facilitators was set forth in the City's First PCCEP Memo, ECF 183 at pp. 5-10. T4T participated extensively in engaging the community during the PCCEP selection process and in the selection process itself and also jointly facilitated the orientation process. Grant Dec par. 3. Following the selection and orientation processes, and after a conflict arose between T4T and a PCCEP member, T4T elected to withdraw from its contract with the City. Id. par. 5.

- PPB Panel Discussion (BHU, Training, Racial Equity Plan, Organizational Structure, Policy Development/Implementation Structure, Approaches to Community Engagement, PPB Advisory Bodies)
- AMAC Presentation
- COAB Panel Discussion
- Large and small group discussions, PCCEP Leadership Plan

Many (but not all) of the materials used in the PCCEP Orientation Process are included in an Orientation Packet that was provided to members in a binder. Grant Dec par. 6 and Ex. 3.

B. PCCEP STAFF SUPPORT AND WEBSITE

In addition to the facilitators who supported the work of the selection, orientation and organizational processes, the PCCEP has been staffed by the City of Portland. Nicole Grant, Senior Policy Advisor to Mayor Wheeler, is the liaison between the Mayor's office and the PCCEP. Grant Dec par. 1. Mandi Hood was the original PCCEP Program Manager and staffed the group until she had to take a medical leave of absence in November of 2018. Id. par. 7. At that point the program management was capably assumed by Judith Mowry, Senior Policy Advisor with the Office of Equity and Human Rights,

<https://www.portlandoregon.gov/oehr/article/448724> on an interim basis while the selection process for a new program manager occurs.⁶ Id. In addition, in November of 2018, the City also hired Claudia Claudio to support the PCCEP as the Project Assistant. Ms. Claudio brings experience in writing, social media, public relations and website management to the role.

<https://www.portlandoregon.gov/oehr/article/714830> Id. par. 9.

Ms. Claudio has been instrumental in improving and updating the PCCEP website so that it is now a valuable resource for members and the community,

<https://www.portlandoregon.gov/pccep/>. Id. It now contains all meeting agendas and minutes,

⁶ Ms. Hood ultimately resigned following her medical leave. The City of Portland posted for a new Program Manager and that posting has now closed, and the selection process from that candidate pool is well underway. Grant Dec par. 8.

<https://www.portlandoregon.gov/pccep/78093>, as well as a library page with important documents and links including videos of all PCCEP meetings, transcripts of this Court's recent status conferences, various of this Court's orders, the amended Settlement Agreement, the Amended PCCEP Plan, the PCCEP Bylaws, the current DOJ and COCL compliance assessments, some historical documents as to the background of the DOJ investigation, and key PPB documents such as annual reports, PPB Office of Community Engagement Community Engagement Plan, and the PPB Strategic Insights Report (Section Re Community Engagement).

<https://www.portlandoregon.gov/pccep/78095>

The website also has pages with information about the PCCEP members and their shared values, <https://www.portlandoregon.gov/pccep/78078>; pages for each of the four subcommittees, with links to meeting agendas and minutes, <https://www.portlandoregon.gov/pccep/78723>; a page for the Steering Committee, with links to its agendas and minutes, <https://www.portlandoregon.gov/pccep/79067>; a “How to Get Involved” page with information on the alternate selection process, the public comment process and which subcommittees are seeking members, <https://www.portlandoregon.gov/pccep/78081>; and a Reports and Recommendations page, <https://www.portlandoregon.gov/pccep/78991>.

As previously noted, one of the two PCCEP facilitators withdrew from its contract with the City following the selection and orientation process. FN 4, *supra*. The other facilitator, BTG, facilitated the first PCCEP meeting. Grant Dec par. 10. In addition, and as discussed below, BTG also facilitated the process to select a new alternate pool. *See* discussion infra section II.G. Since the initial November 2018 meeting, PCCEP has elected to self-facilitate its meetings. Grant Dec par. 10. BTG’s contract has now been completed. *Id.* at par. 15. The City has communicated to PCCEP that it would support contracting with another facilitator with culturally specific experience and had suggested some potential candidates that PCCEP could consider if PCCEP felt it would be helpful. *Id.* par. 10. To date, PCCEP has not requested further facilitation services and the City supports PCCEP’s ability to determine for itself whether

it wants an outside facilitator to assist with its work; should PCCEP elect it would be helpful the City will work with PCCEP to secure such services. Id.

C. PCCEP STRUCTURE AND ORGANIZATION

PCCEP adopted Bylaws at its first meeting on November 28, 2018, *see* <https://www.portlandoregon.gov/pccep/article/706744> (minutes) and <https://www.portlandoregon.gov/pccep/article/703243> (bylaws) and has operated in accordance with those bylaws since that time.

The PCCEP bylaws establish a Steering Committee comprised of the following PCCEP officers: two Co-Chairs, an Alternate Co-Chair and a Secretary. Bylaws, Section VIII. Additional subcommittees are also authorized by the Bylaws. Id. All Steering Committee and subcommittee meetings are required by the Bylaws to be conducted as public meetings. Id.

PCCEP has also established the following Subcommittees: 1) Mental Health; 2) Race, Ethnicity and Other Groups; 3) Youth; and 4) Settlement Agreement and Policy.

<https://www.portlandoregon.gov/pccep/article/706744>

Since its initial November meeting, which BTG facilitated and at which officers were elected, PCCEP has elected to have the elected Co-Chairs facilitate PCCEP meetings. Grant Dec par. 10.

D. PCCEP MEETINGS and WORK PRODUCT TO DATE

PCCEP has met each month since its first official meeting on November 28, 2018. Those meetings are generally held on the third Tuesday of the month, at a variety of venues in different parts of the city to ensure accessibility to a variety of Portlanders. Grant Dec par. 11. All meetings are live streamed and captioned, and ASL interpretation is generally provided. Id.

PCCEP is meeting all timelines under the Settlement Agreement and PCCEP Plan, as reflected in its meeting minutes and its first quarterly report (see discussion and linked documents below).

Summaries of PCCEP meetings and work to date follow:

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1. November 28, 2018 (Highland Christian Center, 7600 NE Glisan St)

The meeting covered the group values and a statement of common ground. PCCEP members were introduced. Mayor Wheeler and Chief Outlaw attended and spoke in support of PCCEP. Bylaws were reviewed and approved. A DHM representative presented to the PCCEP on the survey to be conducted in accordance with paragraph 146 of the Settlement Agreement, and PCCEP engaged in a discussion on the survey and took public comment. Officers were nominated and elected – Co-Chairs: Lakyana Drury and LaKeesha Dumas, Alternate Co-Chair Andrew Kalloch and Secretary Michelle Lang.

<https://www.portlandoregon.gov/pccep/article/705272> (agenda)

<https://www.portlandoregon.gov/pccep/index.cfm?&a=706744> (minutes)

2. December 17, 2018 (Highland Christian Center, 7600 NE Glisan St)

Opening remarks were made and the Statement of Inclusion was read. PCCEP members were introduced. The Steering Committee reported out and announced its next meeting on January 8. It was also announced that the PCCEP would co-host the COCL's Town Hall on Wednesday January 30, 2019. It was determined that as of February 2019, PCCEP meetings would occur on the 4th Tuesday of each month. Feedback on the DHM Survey was provided to the City. Feedback on the 2017 PPB Annual Report was provided to the City.

PCCEP discussed and received public comment on which alternate should be appointed to fill the seat of Zachary Thornhill, who had resigned. PCCEP voted to recommend Yolanda Seguiero, and Mayor Wheeler, who was in attendance, appointed Ms. Seguiero to the seat. Following a break, the DOJ and the Portland City Attorney made a presentation regarding the Settlement Agreement and its framework, and public comment was received. A discussion occurred on a proposal to form a Subcommittee on Mental Illness and public comment was received. It was determined that the Steering Committee would assess needs at its January 8, 2019 meeting and that all proposals for the formation of subcommittees would be due by January 16, 2019, for consideration at the January 30, 2019 PCCEP meeting.

<https://www.portlandoregon.gov/pccep/article/705554> (agenda)

<https://www.portlandoregon.gov/pccep/article/707232> (minutes)

3. January 30, 2019 (Warner Pacific University, 2219 SE 68th)

Opening remarks were made by Co-Chair Drury who affirmed that PCCEP intended to represent all groups in its work. The COCL Town Hall occurred and COCL presented on its quarterly report. Dr. Tom Christoff presented on Section VII, Accountability, and Dr. Dennis Rosenbaum presented on Section IX, Community Engagement and Oversight. PCCEP discussed the presentation and then took public comment.

Following a break, PCCEP discussed subcommittee formation and voted to form four subcommittees: 1) Mental Health; 2) Race, Ethnicity and Other Groups; 3) Youth; and 4) Settlement Agreement and Policy. It was determined that PCCEP members' assignment to subcommittees would be self-selected and determined by member interest. It was determined that Chairs would be determined at the subcommittee level.

A brief initial presentation on the contemplated Body Worn Camera Pilot was given by Tammy Mayer of PPB. PCCEP questions were taken and public comment was received.

In light of two PCCEP resignations, PCCEP discussed whom to recommend to fill the vacancies to Mayor Wheeler from the alternates. Discussion was held and public testimony was taken, and PCCEP voted to recommend Rachel Benjamin to the seat vacated by Yolanda Clay and Britton Masbeck to the youth seat vacated by Kalonji Williams.

<https://www.portlandoregon.gov/pccep/article/710024> (agenda)

<https://www.portlandoregon.gov/pccep/article/711655> (minutes)

4. February 26, 2019 (Taborspace, 5441 SE Belmont St.)

Introductions and Opening Remarks by Secretary Michelle Lang. Subcommittee Reports: Steering Committee had a successful retreat. Mental Health Subcommittee established with Co-Chairs Patrick Nolan and Bob Dye. Race, Ethnicity, and Other Subcommittee established with Chair Sam Sachs. Settlement Agreement and Policy Subcommittee established with Chair Aden

Hassan. Youth Subcommittee includes members Sebastian Chevalier, Rachel Benjamin, Britt Masback, and Yolonda Salguiero. Next meeting of each subcommittee announced.

Next, there was a PPB Racial Equity Plan presentation by Dr. Markisha Smith (OEHR Director) and Elle Weatheroy (Manager, PPB Equity & Diversity Office). PCCEP questions and Public Comment were received. After a break, Tammy Mayer of PPB presented on the contemplated Body Worn Camera pilot, followed by PCCEP questions and public comment.

PCCEP next discussed an amendment to its bylaws pertaining to alternates and voted 11-0 to strike references to numbers and public identification.

<https://www.portlandoregon.gov/pccep/article/713004> (deletions shown in red)

PCCEP then discussed and received public comment on its recommendations for the PPB 2018 annual report. Recommendations were approved 11-0.

A reminder was given that applications to be considered for the alternate pool were due by March 6, 2019, and it was announced that Chief Outlaw would present on the progress of PPB's 5 year Strategic Plan at the March PCCEP meeting. The public was invited to participate in the subcommittees.

<https://www.portlandoregon.gov/pccep/article/712875> (agenda)

<https://www.portlandoregon.gov/pccep/article/728077> (minutes)

5. March 26, 2019 (Tiffany Center, 1410 SW Morrison St.)

Introductions were given by Lakayana Drury. Youth member Sebastian Chevalier was congratulated on his admission to Morehouse College. Steering and Subcommittee reports were given and April steering and subcommittee meeting dates and locations were announced.

PPB Chief Danielle Outlaw and Officer Natasha Haunsperger of PPB's Office of Community Engagement presented on PPB's ongoing process to develop its Strategic Plan and the draft section on Community Engagement and Inclusion:

<https://www.portlandoregon.gov/pccep/article/726822>

In addition, information was presented on PPB's current community engagement efforts:

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<https://www.portlandoregon.gov/pccep/article/726843>

PCCEP had time for questions and discussion regarding PPB's community engagement efforts and public comment was received.

The next agenda item was PCCEP's quarterly report on successes, challenges and community concerns. PCCEP discussed the draft report and took public comment. PCCEP made amendments to clarify the need to increase attendance by holding meetings in North and Inner Northeast Portland, to elaborate on police relations with underrepresented groups, to clarify MHA's independent Training and to spell out acronyms and the Quarterly Report was approved as amended 11-0. <https://www.portlandoregon.gov/pccep/article/727535>

PCCEP then discussed and took public comment on having Co-Chair LaKeesha Dumas represent PCCEP on PPB's Strategic Plan Advisory Committee, and PCCEP voted 11-0 to approve this.

<https://www.portlandoregon.gov/pccep/article/725634> (agenda)

<https://www.portlandoregon.gov/pccep/article/728027> (minutes)

6. April 23, 2019 (Unite Oregon, 700 N. Killingsworth)

The meeting was opened by Co-Chair Lakayana Drury, who announced that May's meeting would be May 28, 2019, at Taborspace.

Reports were received from the Steering Committee; Mental Health Subcommittee; Race, Ethnicity, and Other Subcommittee; Settlement Agreement and Policy Subcommittee and Youth Subcommittee.

Small group discussions were held and community members expressed concerns with School Resource Officers, outreach and engagement, reflection of police actions, lack of trust, accountability, inclusiveness, racial profiling, consistency, and empowering the voice of the community.

The COCL Town Hall then occurred and the Compliance Officers presented their quarterly report. PCCEP questions and public comment were received.

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Given the hour, the second scheduled listening session was deferred.

<https://www.portlandoregon.gov/pccep/article/728112> (agenda)

<https://www.portlandoregon.gov/pccep/article/730184> (minutes)

7. May 28, 2019 (Taborspace, 5441 SE Belmont St.)

This meeting was held pursuant to the agenda, but meeting minutes have not yet been reviewed and approved.

The agenda items were:

- Welcome remarks and welcoming of newly appointed alternates.
- Discussion of recommendations for PPB Community Engagement Metrics (paragraph 149 of Settlement Agreement)
<https://www.portlandoregon.gov/pccep/article/732333>
- Discussion of Recommendations from Race, Ethnicity and Other Subcommittee
- Break
- Presentation from Training Advisory Council on TAC Wellness Program Recommendation
- DOJ Presentation on Compliance Report
- Community Engagement Outreach

<https://www.portlandoregon.gov/pccep/article/732897> (agenda)

E. PCCEP STEERING COMMITTEE MEETINGS

The PCCEP Steering Committee has met monthly since it was established, on:

- December 13, 2018
- January 8, 2019
- February 12, 2019
- March 12, 2019
- April 9, 2019
- May 14, 2019

All meetings have been open to the public. Agendas and minutes are available here:

<https://www.portlandoregon.gov/pccep/79067>

F. PCCEP SUBCOMMITTEE MEETINGS

1. Race, Ethnicity and Other Subcommittee (REOS)

The primary purpose of the subcommittee is to reach out and engage with community organizations, increase public awareness, involvement, and attendance at PCCEP meetings, and provide recommendations to PCCEP. The Subcommittee has met on the following dates:

- February 12, 2019
- March 12, 2019
- May 15, 2019

Additional meetings are scheduled for:

- June 11, 2019
- July 9, 2019
- August 13, 2019
- September 10, 2019
- October 8, 2019
- November 12, 2019
- December 10, 2019

Meeting agendas, minutes and the meeting schedule are available here:

<https://www.portlandoregon.gov/pccep/78724>

2. Subcommittee for People with Mental Illness (SPMI)

The primary purpose of the subcommittee is to make recommendations to the City of Portland and PPB about how to reduce use of force against people with mental illness. The secondary purpose is to hear the experience of people with mental illness with officers of the PPB. Experiences may be shared at meetings of the subcommittee or by letter, email, telephone, and voicemail. The subcommittee may take action based on reports or refer people to other

agencies and individuals. Referrals will be reviewed for action. All meetings are open to the public.

The subcommittee has met on the following dates:

- March 27, 2019
- April 17, 2019
- May 22, 2019

Additional information about the activities of this subcommittee, including proposals, agendas and minutes, is available here: <https://www.portlandoregon.gov/pccep/78725>

3. Settlement Agreement and Policy Subcommittee

The primary purpose of the subcommittee is to have oversight of implementation of the Amended Settlement Agreement (Paragraph 149 of SA), review COCL and DOJ compliance reports, review PPB Directives and highlight specific directives of concern to PCCEP. All meetings are open to the public.

To date, the subcommittee has met as follows

- February 13, 2019
- March 12, 2019
- April 10, 2019
- May 8, 2019

Additional meetings are scheduled for:

- June 12, 2019
- July 10, 2019
- August 14, 2019
- September 11, 2019
- October 9, 2019
- November 13, 2019
- December 11, 2019

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Additional information about the work of this subcommittee, including meeting agendas and minutes, is available here: <https://www.portlandoregon.gov/pccep/78726>

4. Youth Subcommittee

The primary purpose of the subcommittee is to act as a liaison between Portland Public Schools and PPB to emphasize community engagement through presentations on crime prevention in order for students to achieve the knowledge and skills necessary to enhance their safety and well-being. This subcommittee has held the following meetings (all open to the public):

- March 10, 2019
- April 14, 2019
- May 5, 2019

Additional information about the work of this subcommittee, including meeting agendas and minutes, are available here: <https://www.portlandoregon.gov/pccep/78727>

G. ALTERNATES HAVE BEEN TIMELY APPOINTED TO FILL ALL VACANCIES AND THE ALTERNATE POOL HAS BEEN REPLENISHED

As can be inferred from the extensive meeting schedule and the volume of work undertaken by the PCCEP and its Steering Committee and Subcommittees, service on the PCCEP involves a heavy time commitment. It is a lot to ask of volunteers and several PCCEP members have resigned for a variety of reasons. Grant Dec par. 12. Three members have had to resign as they have relocated (or will be relocating) out of state. Id. One member concluded early on that she they were not able to continue on the PCCEP for personal reasons. Id. Three members have relocated or will be relocating from the Portland. Id. And two members have concluded that, due to changed personal and family circumstances, continued service on the PCCEP is not feasible for them at this time.⁷ Id.

The City recognizes that there will be regular turnover on the volunteer board as people's

⁷ One of these two members also expressed frustration with the ability to access electronic communications through the City's email system. The City is taking this concern seriously and is working to streamline electronic access and minimize the need for password changes that have to go through the City's Bureau of Technology Services. Grant Dec par. 12.

personal and life circumstances change. The City is committed to ensuring that a highly qualified and trained pool of alternates is available when this happens so that PCCEP can continue its work without disruption.

At the time that the initial PCCEP members were selected, the City also selected from the applicant pool a body of alternates who were trained with the original PCCEP members. Grant Dec par. 13. A number of those alternates have now been seated on the PCCEP. Id. As trained alternates began to be moved to the PCCEP, the City and others⁸ recognized that it would be important to replenish the alternate pool to ensure the PCCEP continued to have strong alternates available for appointment to the committee as needed. Id.

The City accordingly requested a plan from BTG to create a new alternate pool, which BTG did. Grant Dec par. 14, Ex. 4. In coordination with the Mayor's office, BTG then undertook the facilitation of the alternate selection process. Id. The process that was used is described in BTG's final PCCEP Facilitation Report. Id. As a result of this process, the City established an alternate pool with 9 outstanding alternates. Id. The entire alternate pool will undergo orientation together to be ready to serve on the PCCEP as needed. Id. The City and the Mayor are committed to continuing to ensure that a highly qualified pool of applicants is available and ready to be seated on the PCCEP as needed. Id.

IV. THE COURT SHOULD GIVE FINAL APPROVAL TO THE STIPULATED AMENDMENTS TO SECTIONS IX AND X OF THE SETTLEMENT AGREEMENT

At the April 19, 2018 hearing, pursuant to the parties' and amicus' stipulated motion, the Court granted final approval to all amendments except those pertaining to community engagement and oversight. After conferring, the parties agreed that they would have no objection to the Court granting only conditional approval as to the amendments related to community engagement and oversight, with the condition being that the parties report back in six

⁸ This concern has been articulated by enhanced amicus AMAC.

months so the Court would be in a better position to give full unconditional approval. Based on all parties' representations that they had no objection to this approach, the Court entered an order on May 15, 2018:

“. . .that the following amendments are CONDITIONALLY APPROVED, pending the Court’s further evaluation at a Status Conference set for October 4, 2018, at 9:00 am, and final approval:

2. Changes to Sections IX and X regarding community engagement and oversight.
ECF 171, p. 2.

At the status conference on October 4, 2018, the City was pleased to report that it had engaged in an extremely robust process to create the PCCEP, with the significant community support and involvement of the Evaluation Committee, the Planning Committee and the Selection Advisory Committee, the tireless work of the facilitators, the support of the Mayor and the Council, and the continuing advocacy of the AMAC and other community members. That work resulted in the appointment and confirmation of 13 outstanding community members to serve on the PCCEP.

At that status conference, the Court acknowledged that a tremendous amount of work had occurred, but nonetheless decided to defer final approval of the amendments until it could be established that the PCCEP was actually meeting and functioning, stating: “I am hopeful that when we all get back together again there will [be] much more information that I have and have received and that that information will be sufficiently positive that I will feel comfortable that the amendments are consistent with the criteria set forth in the settlement agreement, including any amendments that have already been approved.” October 4, 2018 Transcript p. 125. ECF 193.

That has certainly occurred. The PCCEP has developed and adopted bylaws, elected officers, held 7 monthly PCCEP meetings open to the public in a variety of geographic locations across the City. Two of those public meetings have included town halls at which the compliance officer presented its quarterly reports and six of them have been self-facilitated by the PCCEP

Co-Chairs. The PCCEP has also established a Steering Committee which has met monthly (six times), established four subcommittees which have held a total of 13 meetings with additional ongoing meetings scheduled, prepared its first quarterly report and selected a representative to the PPB Strategic Planning group. PCCEP is actively engaged in developing recommendations for PPB's Community Engagement Plan. While some PCCEP members have had to resign, highly qualified alternates have been promptly seated and the alternate pool has been replenished with outstanding community members interested in serving.

The PCCEP framework established under the Settlement Agreement (as amended) is working. The City has embraced the work of establishing a new community engagement body and that body has responded, undertaking a tremendous amount of work over the past seven months. The PCCEP, the City, the DOJ, the COCL, the members of the PPA, enhanced amicus AMAC and the public now need the certainty of an approved framework to guide – and to judge – the work being done under the Settlement Agreement. The PCCEP should not be asked to continue its near Herculean efforts with uncertainty hanging over its legal authority, duties and responsibilities. The City is also entitled to certainty as to what its legal obligations are as it nears substantial compliance with the amended Sections IX and X of the Settlement Agreement. The DOJ and COCL need legal certainty to perform their monitoring role, and the AMAC, amicus MHA and the public likewise deserve to know with certainty what standards the City is bound by so that its performance can be judged accordingly.

V. CONCLUSION

The dedicated community members who have stepped up to serve on the PCCEP and who are doing the difficult work of helping the City and PPB improve their engagement with the community and their provision of police services deserve validation by this Court. The City is committed to continuing to fully support the PCCEP and to meet all of its other obligations under the Settlement Agreement. The DOJ and the COCL continue to perform the complex and important work of evaluating the City's compliance with the terms of the Settlement Agreement.

All of these parties need the certainty of final acceptance by the Court of the terms of the Settlement Agreement that govern and guide their efforts. The Court has ample evidence before it to determine that the amendments to Sections IX and X of the Settlement Agreement are fair, adequate and reasonable.⁹ The Court should enter an order approving those amendments based on the parties' stipulated motion.

Dated: June 3, 2019.

Respectfully submitted,

/s/ Tracy Reeve

TRACY REEVE, OSB# 891123

City Attorney

Email: tracy.reeve@portlandoregon.gov

Of Attorneys for Defendant

⁹ As noted previously, the City does not believe a separate determination that these amendments are fair adequate and reasonable is legally required given that the Court previously found that the entire Settlement Agreement, including the terms governing amendments, was fair adequate and reasonable.